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DEC 19 2005

OFFICE OF PETITIONS

In re Application of:	:	
DECKER, Ronald, E.	:	DECISION ON PETITION
U.S. Application No.: 10/044,098	:	(37 CFR 1.137(b))
Filing Date: January 11, 2002	:	
Attorney's Docket No.: 4803-1	:	
For: MOTORCYCLE STAND	:	

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-entitled application, filed June 15, 2005.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the non-final Office action mailed July 14, 2004, which set a shortened statutory period for reply of three (3) months. A response was not filed and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained.¹ Accordingly, this application became abandoned at midnight on October 14, 2004.

The present petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response to the Office action mailed July 14, 2004; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of July 14, 2004 is accepted as having been unintentionally delayed.

The application file is being referred to Technology Center AU 3637

¹ The petition for revival was accompanied by payment of a \$510 extension fee. However, an extension of time under 37 CFR 1.136(a) must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S*, 8 USPQ2d 1630, 1631 (Comm'r Pats 1988). Accordingly, since the \$510 extension of time fee submitted with the present petition on June 15, 2005 was filed subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Richard M. Ross at (571) 272-3296 or, in his absence, the undersigned at (571) 272-3217.

Frances Hicks Jr
Brian Hearn
Petitions Examiner
Office Of Petitions